

## REMARKS

### Restriction Requirement

In the above-identified Office Action, the examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

- Group I: Claims 1-8, drawn to a method of producing a cell that has a neural cell phenotype, in culture, classified in class 435, subclass 377.
- Group II: Claims 1, 2, 9, 10, and 21, drawn to methods of cell transplantation of cells derived from hepatic oval cells, classified in class 424, subclass 93.7.
- Group III: Claims 11-20, drawn to a cell that expresses a neural cell phenotype, classified in class 435, subclass 325.

In response, Applicants hereby elect Group III, Claims 11-20, drawn to a cell that expresses a neural cell phenotype, classified in class 435, subclass 325. Claims 11 and 12 have been amended to comply with the Restriction Requirement. No new matter has been added by virtue of the amendments and their entry is respectfully requested.

The Examiner has also restricted the invention by species. In response, Applicants hereby elect Beta III tubulin. Claims 12-20 have been withdrawn as being drawn to a non-elected species.

These elections are made without traverse. The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications. Applicants invite the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

In re Application of: PETERSEN et al.  
Application No.: 10/651,829  
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Respectfully submitted,

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